

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3
4 HAN SUP SHIN, No. c0-7-5605 cw
5 Plaintiff, ORDER RE SERVICE
6 v.
7 COUNTY OF ALAMEDA, et al.,
8 Defendants.
9 _____/

10 The above-captioned complaint was filed on November 5, 2007,
11 and a Case Management Conference is set for April 29, 2008.
12 Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure,
13 service of the summons and complaint must be made upon a defendant
14 within 120 days after the filing of the complaint. The date to
15 serve the summons and complaint has passed, and the summons and
16 complaint have not been served. Accordingly,

17 IT IS HEREBY ORDERED that the Plaintiff shall serve the
18 summons, complaint, and the enclosed Amended Order Setting Case
19 Management Conference on the Defendants by **May 23, 2008** (see
20 attached instructions for service). **Failure to timely serve the**
21 **summons, complaint and Amended Order Setting Case Management**
22 **Conference will result in dismissal of this case for failure to**
23 **prosecute.** The Case Management Conference currently set for April
24 29, 2008, is continued to **July 8, 2008, at 2:00 p.m.**

25 Dated: 4/22/08

26 *Claudia Wilken*

27 _____
28 CLAUDIA WILKEN
United States District Judge

INSTRUCTIONS FOR SERVICE

The requirements for properly serving a summons and complaint are set forth in Federal Rule of Civil Procedure 4. First, the summons itself must be signed by the clerk and bear the seal of the court, among other requirements. F.R.C.P. 4(a). Once a proper summons has been issued by the court, the plaintiff must serve that summons on the defendants or ask defendants to waive service. F.R.C.P. 4(c), (d). The plaintiff must file proof of service or a waiver signed by defendant with the court within 120 days of filing the complaint. F.R.C.P. 4(l), (m). Plaintiffs may ask defendants to waive service of process. To do so, a plaintiff must mail or deliver a copy of the complaint to the defendant along with a specified notice requesting that the defendant waive service. F.R.C.P. 4(d)(2). The plaintiff must provide 30 days for the defendant to respond and must include a self-addressed stamped envelope by which the defendant can comply with the request. F.R.C.P. 4(d)(2). If the defendant waives service, he or she has 60 days to respond to the plaintiff's complaint; if the defendant refuses to waive service, he or she must pay the plaintiff's costs of service unless he or she can show good cause for failing to waive service. F.R.C.P. 4(d)(2), (3). If the defendant agrees to waive service, the plaintiff must file a copy of the waiver with the court in lieu of filing a proof of service. F.R.C.P. 4(d)(4). Waiver forms are available at the clerk of the court's office. If the defendant does not waive service, the plaintiff must properly serve the defendant with the summons and complaint, following the requirements of federal or State law. F.R.C.P. 4(e). Under federal law, plaintiffs must arrange for someone who is not a party to the case and who is at least 18 years of age to hand deliver a copy of the documents to the defendant, leave copies of the documents at the individual's home with some person of suitable age and discretion who lives there, or deliver a copy of the documents to an agent authorized by appointment or by law to receive service of process for the defendant. F.R.C.P. 4(e)(2).

(1/98)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SHIN et al,

Plaintiff,

Case Number: CV07-05605 CW

V.

COUNTY OF ALAMEDA et al.,

Defendant.

CERTIFICATE OF SERVICE

7 COUNTY OF ALAMEDA et al,
8 Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on April 22, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

15 Han Sup Shin
35030 Begonia Street
16 Union City, CA 94587-5340

17 | Dated: April 22, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk